



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OSTFELD et al. Atty. Ref.: 4110-27; Confirmation No. 5626

Appl. No. 10/074,017 TC/A.U. 3763

Examiner: M. DeSanto

Filed: February 14, 2002

For: INDWELLING DEVICE

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February 24, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESTRICTION REQUIREMENT

In response to the Office Action dated January 25, 2005, holding the subject matter of Species B - Figures 2a-2c to be patentably distinct from that of Species A - Figures 1a-1d; Species C - Figures 3a-3d; Species D - Figures 4a, 4b; Species E - Figures 5a, 5b; Species F - Figures 7a, 7b; and Species G - Figures 8a-8b, Applicants hereby elect the invention of Species B - Figures 2a-2c for further substantive examination. Claims 4-14, 17, 18, 25-28 and 30 read on the elected species.

This election is made with traverse. Since a restriction requirement is never proper unless the restricted group of claims is patentably distinct (*i.e.*, inter alia, nonobvious under 35 U.S.C. §103) from the elected group of claims, the Examiner is

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requested to ensure that such patentable distinctness is present before proceeding to make the requirement final.

It is respectfully requested that the non-elected claims be retained for use with a possible divisional application.

An examination on the merits is awaited.

Respectfully submitted,

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By:



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